

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

VS.

07-CV-6915 (DLC)

DORMITORY AUTHORITY – STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

**NOTICE OF MOTION
FOR SUMMARY
JUDGMENT**

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

VS.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS :
CASUALTY AND SURETY COMPANY, :

Fourth-Party Plaintiffs

VS.

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC :
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION: :
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER: :
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :
COMPANY; NATIONAL UNION FIRE INSURANCE :
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :
INSURANCE COMPANY; ALLIED WORLD ASSURANCE :

COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :
: :
: :
Fourth-Party Defendants. :

PLEASE TAKE NOTICE that, upon the accompanying Statement of Material Facts, Declaration of Michael S. Miller, Esq., dated August 7, 2008, the Affidavit of Denise Gibson, dated, August 5, 2008, and the exhibits attached thereto, and the accompanying Memorandum of Law, and upon all prior pleadings, papers and proceedings heretofore filed and/or served herein, Fourth-Party Defendant Lumbermens Mutual Casualty Company ("Lumbermens"), will move before the Court, particularly The Honorable Denise L. Cote, U.S.D.J., at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, for an Order:

- (i) Dismissing the Complaints of the above-named plaintiffs, third-party plaintiffs, and fourth-party plaintiffs, and any and all additional claims and crossclaims filed against Lumbermens, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1; and

(ii) Any additional relief the Court may deem just and proper.

DATED: August 8, 2008

By: /s/ Michael S. Miller
Michael S. Miller
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DECLARATION OF SERVICE

The undersigned hereby declares, under penalty of perjury, that on August 8, 2008, he caused a true copy of the foregoing Answer, etc. to be served via electronic filing upon counsel for the various parties as follows:

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DATED: August 8, 2008

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